



JCO6 Rec'd PCT/PTO 28 SEP 2005
DAC
#2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Irun R. COHEN

Serial No.: 10/542,591

Filed: July 18, 2005

For: REACTIVE ANIMATION

Examiner:

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit:

Attorney Docket: 30070

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR 1.137(b)**

Sir:

Applicant filed the above identified application on July 18, 2005, and a postcard receipt affixed to the application as filed was duly received in which the Serial No.: 10/542,591 was affixed.

Applicant has been awaiting receipt of the formal Filing Receipt since that date. Not having received it as of today, Applicant planned to file a Status Letter regarding the yet to be received Filing Receipt. In arranging the documentation that would support the Status Request, Applicant planned to include proof of the debiting of Deposit Account 501407 on or after the July 18, 2005 date for the aforementioned Serial No. 10/542,591. Applicant now noticed for the first time that no such debit was made against Deposit Account 501407.

In reviewing Deposit Account 501407, Applicant notes that on July 18, 2005, when this application was filed, Applicant had well over \$10,000 in said Deposit Account, more than sufficient amount to pay for the \$1,125 filing fee for this patent

application. More than a sufficient amount was also in the Account through July 19, 2000, and probably through July 20, 2005.

A check of \$50,000, dated July 18, 2005, was sent on July 18, 2005 to replenish the Deposit Account by Federal Express. However, unexpected delays in the Federal Express courier delayed receipt of the check in the USPTO Deposit Account office until July 21, 2005, and it was credited to the Deposit Account on July 22, 2005.

Applicant is concerned that when the Deposit Account was accessed to pay for the filing of the above identified application on either July 20, 2005, July 21, 2005 or July 22, 2005, the funds were not there to be applied for this filing. As such, the above National Stage application may be technically abandoned since the filing fees were not paid, even though the funds were in the Deposit Account on the July 14, 2005 filing date.

In support of this Petition, Applicant includes a copy of the Deposit Account for the relevant days of July 2005, along with a copy of the check that was deposited in the Deposit Account on July 21, 2005.

As is apparent, the abandonment of the application, if in fact it was abandoned, was unintentional. The entire delay in filing the required reply until the filing of this grantable petition was unintentional.

The abandoned application was a utility application.

Please charge the National Stage filing fee of \$1,125 to Deposit Account 50147 as authorized in the Transmittal Letter dated July 13, 2005.

Please charge the petition fee under 37 CFR 1.17(m) in the amount of \$750.00 to Deposit Account **50-1407**. A duplicate copy of this sheet is enclosed.

The grant of this Petition is respectfully requested.

Please charge the National Stage filing fee of \$675 to Deposit Account 50147 as authorized in the Transmittal Letter dated July 13, 2005.

Please issue a Filing Receipt along with the grant of this Petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Martin Moynihan".

Martin Moynihan
Registration No. 40,338

Date: September 26, 2005